



S/N 09/434,254

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SAY ET AL.	Examiner:	UNKNOWN <i>#6</i>
Serial No.:	09/434,254	Group Art Unit:	3731
Filed:	NOVEMBER 5, 1999	Docket No.:	11554.6US11
Title:	SENSOR FOR MEASURING A BIOANALYTE SUCH AS LACTATE		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 8, 2000.

By: *Lori Stuart*  
*Lori Stuart*

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/414,060 filed October 7, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not

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represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

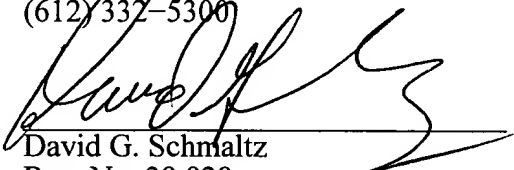
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-2903  
(612) 332-5300

Date: \_\_\_\_\_

6/8/00

  
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David G. Schmaltz  
Reg. No. 39,828  
DGS:PSTbkh